

form a ring, wherein any carbon atom in the ring may be replaced by a heteroatom chosen from N, O, and S, is indefinite. Office Action dated April 7, 2005, p. 3, lines 1-3. Applicants respectfully traverse with respect to all claims for the following reasons.

The definiteness requirement of 35 U.S.C. § 112, second paragraph, is satisfied if one of ordinary skill in the relevant art can read the claims and determine what constitutes infringement. M.P.E.P. § 2173. Applicants respectfully contend that the definiteness requirement is satisfied by claims 5, 7, and 9 because one of skill in the chemical arts would immediately understand the meaning and scope of the claim language.

The language at issue refers to the R⁴ substituents on the aromatic ring in the compounds of formula (4). It provides that when there are two R⁴ groups that are C₁-C₁₀ alkyl and they are on adjacent carbon atoms of the aromatic ring, they, together with the atoms to which they are attached, may form a ring comprising from 3- to 7- members. Furthermore, any carbon atom in such rings may be replaced by a heteroatom chosen from N, O, and S, provided that two adjacent carbon atoms in such rings cannot both be replaced by heteroatoms. Applicants contend that the meaning of such language is clear and would be readily apparent to one of ordinary skill in the art. Furthermore, one of ordinary skill in the art could readily ascertain the meaning of such language with reference to the Examples provided in the application. For example, the language at issue is meant to encompass at least the following species in the application: 1) Example A(182) at p. 200; 2) Example A(274) at p. 260; 3) Example B(40) at p. 291; and 4) Example D(4) at p. 461. As such, one of ordinary skill in the art would readily understand the language at issue and would be able to immediately ascertain the scope and boundaries of the claims. Therefore, Applicants respectfully contend that the instant claims satisfy the requirements of 35 U.S.C. § 112, second paragraph, ask that the rejection be withdrawn.

Objection to claims 6, 8, 10, and 32

The Examiner has objected to claims 6, 8, 10, and 32 as dependent upon rejected base claims. As stated above, Applicants respectfully submit that they have overcome the rejection of rejected claims 5, 7, and 9. Therefore, Applicants believe that the instant objection is moot and respectfully ask that it be withdrawn with respect to all claims.

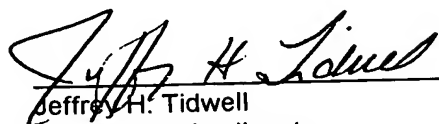
Allowable subject matter

Again, Applicants wish to thank the Examiner for indicating that the subject matter of claims 6, 8, 10, 11 to 29 and 32 is allowable. Applicants respectfully ask that the Examiner consider the above remarks and provide an allowance of the remaining claims.

Last, Applicants hereby petition for any required extension of time. Please charge all required fees to Deposit Account No. 500329.

Respectfully submitted,

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